

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CR-23-71-D
)	
TATYANNA MARIE JOHNSON,)	
)	
Defendant.)	

ORDER

Before the Court are three pretrial motions filed by Defendant Tatyanna Marie Johnson: (1) Motion for Notice by the Government of its Intention to Introduce and Rely upon Rule 404(b) Evidence; (2) Motion for a *James* Hearing; and (3) Motion for Severance. *See* [Doc. Nos. 52-54]. The United States filed a consolidated response. [Doc. No. 83]. The matters are fully briefed and at issue.

I. Motion for Notice of Rule 404(b) Evidence

By her Motion for Notice of Rule 404(b) Evidence, Ms. Johnson requests that “the government provide notice of its intention to offer evidence of other crimes, wrongs, or bad acts allegedly committed by her, and to disclose the facts and circumstances underlying such evidence.” Mot. for Notice [Doc. No. 52] at 1. In its response, the United States acknowledges its “obligation to notify Ms. Johnson of its intention to rely upon Rule 404(b) evidence within a reasonable period of time prior to trial, or during trial for good cause shown, as a condition precedent to admissibility of Rule 404(b) evidence.” Pl.’s Resp. Br. at 4.

On July 18, 2023, the United States filed a Rule 404(b) Notice, which details evidence allegedly relating to other wrongful acts committed by Ms. Johnson. *See* [Doc. No. 120]. In light of the United States' notice, the Court finds that Ms. Johnson's Motion for Notice of Rule 404(b) Evidence [Doc. No. 52] should be **DENIED AS MOOT**.

II. Motion for Severance

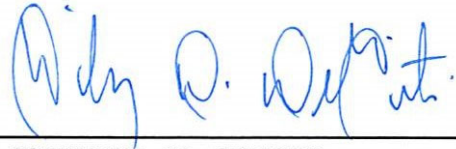
Ms. Johnson requests that the trial of her case "be severed from that of the other defendants charged in the indictment" pursuant to Fed. R. Crim. P. 14. *See* Mot. for Severance [Doc. No. 54] at 1. In light of the guilty pleas entered by Ms. Johnson's three Co-Defendants, Anthony Allison [Doc. No. 108], Kanesha Gladney [Doc. No. 114], and Christopher Warren Davis [Doc. No. 126], the Court finds that Ms. Johnson's Motion for Severance [Doc. No. 54] must be **DENIED AS MOOT**.

III. Motion for a *James* Hearing

Finally, Ms. Johnson requests that the Court conduct a pretrial hearing to determine the admissibility of co-conspirator statements pursuant to *United States v. James*, 590 F.2d 575 (5th Cir. 1979). By its response, the United States has joined Ms. Johnson's request for a hearing. Accordingly, Ms. Johnson's Motion for a *James* Hearing [Doc. No. 53] is **GRANTED**.

The United States shall file an appropriate notice by August 24, 2023, disclosing the alleged statements that are proposed for admission and, as to each statement, identifying the alleged co-conspirator who made the statement, the person to whom it was made, when the statement was made, and a general summary of the content of the statement. The *James* hearing will be held on Wednesday, August 30, 2023, at 2:00 p.m.

IT IS SO ORDERED this 9TH day of August, 2023.



TIMOTHY D. DeGIUSTI
Chief United States District Judge